

REMARKS

Claims 1-11 and 16-18 and 20-30 are pending. Claims 1, 2, 4, 11, 16, 17, 20 and 21 have been amended. Claims 12-15 and 19 have been canceled. Claims 28-30 are new. Applicants have amended the specification to correct a typographical error.

A certified copy of the priority document is being concurrently filed herewith.

The Examiner is thanked for indicating dependent claims 2, 4, 21, and 22 were directed to allowable subject matter, and for providing an indication of the subject matter the Examiner considered allowable. Applicants have not restated claims 2, 4, 21 and 22 in independent form because Applicants believe claims 1 and 20 from which they depend are allowable as amended. As discussed in more detail below, Applicants have amended independent claim 1, from which claims 2-10 and 29 depend, independent claim 11, from which claim 30 depends, independent claim 16, independent claim 17, from which claim 18 depends, and independent claim 20, from which claims 21-28 depend, to include the subject matter the Examiner indicated was allowable. Accordingly, Applicants submit that claims 1-11, 16-18 and 20-30 are allowable.

Turning to the specifics, the Examiner rejected claims 12, 17, 19 and 20 under 35 U.S.C. 102(b) as anticipated by Purnhagen et al., *Object-Based Analysis/Synthesis Audio Coder for Very Low Bit Rates*. Applicants respectfully traverse the Examiner's rejections. Claims 12 and 19 have been canceled without prejudice to expedite prosecution. Claim 17, as amended, recites, "a signal envelope quantifier ... configured to generate an encoder approximation of the signal based on a spline approximation." Similarly, claim 20, as amended, recites, "[a] method of encoding a signal ... comprising ... generating an encoder approximation of the signal based on the spline approximation." Purnhagen does not teach, suggest or motivate generating an encoder approximation based on a spline approximation. Accordingly, Applicants submit that claims 17 and 20 are not anticipated by Purnhagen.

The Examiner rejected claims 1, 3, 5, 7, 8, 11, 13, 15, 16, 24 and 25 under 35 U.S.C. 103 as rendered obvious by Purnhagen in view of U.S. Patent No. 5,665,928 issued to Wang. Applicants respectfully traverse the Examiner's rejections. Claims 13 and 15 have been canceled without prejudice to expedite prosecution.

Independent claim 20 has been amended as discussed above. Independent claim 1, as amended, similarly recites, “generating an encoder approximation of the transient audio signal based on the spline approximation.” Independent claims 11 and 16, as amended, similarly recite, “means for generating an encoder approximation of the transient audio signal based on the spline approximation.” Purnhagen, alone or in combination with Wang, does not teach, suggest or motivate generating an encoder approximation based on a spline approximation. Claims 3, 5, 7, 8 and new claim 29 depend from claim 1. New claim 30 depends from claim 11. Claims 24, 25 and new claim 28 depend from claim 20. Accordingly, Applicants submit that claims 1, 3, 5, 7, 8, 11, 16, 24, 25, and 28-30 are not rendered obvious by Purnhagen in view of Wang.

The Examiner rejected claims 6 and 23 under 35 U.S.C. § 103(a) as obvious over Purnhagen et al. in view of Wang, and further in view of Oppenheim et al., *Discrete Time Signal Processing*. Claim 6 depends from claim 1 and claim 23 depends from claim 20. Purnhagen, whether considered alone or in combination with Wang and Oppenheim, does not teach, suggest or motivate generating an encoder approximation based on a spline approximation, as discussed above with regard to claims 1 and 20. Accordingly, Applicants submit claims 6 and 23 are not rendered obvious over Purnhagen in view of Wang and Oppenheim.

The Examiner rejected claims 9 and 26 under 35 U.S.C. § 103(a) as obvious over Purnhagen et al. in view of Wang, and further in view of Official Notice. Claim 9 depends from claim 1 and claim 26 depends from claim 20. Purnhagen, whether considered alone or in combination with Wang, does not teach, suggest or motivate generating an encoder approximation based on a spline approximation, as discussed above with regard to claims 1 and 20. The Examiner does not rely on Official Notice to supply the missing teaching. Accordingly, Applicants submit claims 9 and 26 are not rendered obvious over Purnhagen in view of Wang and the Examiner’s Official Notice. Applicants also traverse the Examiner’s Official Notice that one of skill in the art would have used the specific expression of claims 9 and 26 as claimed. To the extent the Examiner continues to rely on this contention, Applicants respectfully request that the Examiner provide evidentiary support.

The Examiner rejected claims 10 and 27 under 35 U.S.C. § 103(a) as obvious over Purnhagen et al. in view of Wang, and further in view of U.S. Patent No. 4,935,963 issued

to Jain. Claim 10 depends from claim 1 and claim 27 depends from claim 20. Purnhagen, whether considered alone or in combination with Wang and Jain, does not teach, suggest or motivate generating an encoder approximation based on a spline approximation, as discussed above with regard to claims 1 and 20. Accordingly, Applicants submit claims 10 and 27 are not rendered obvious over Purnhagen in view of Wang and Jain.

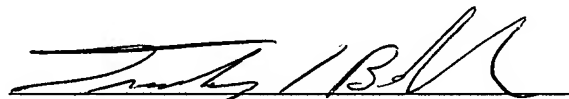
The Examiner rejected claims 14 and 18 under 35 U.S.C. § 103(a) as obvious over Purnhagen et al. in view of Wang, and further in view of U.S. Patent No. 5,884,253 issued to Kleijn. Claim 14 has been canceled without prejudice to expedite prosecution. Claim 18 depends from claim 17. Purnhagen, whether considered alone or in combination with Wang and Kleijn, does not teach, suggest or motivate generating an encoder approximation based on a spline approximation, as discussed above with regard to claim 17. Accordingly, Applicants submit claim 18 is not rendered obvious over Purnhagen in view of Wang and Kleijn.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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